S-3-02  
EL514032130US

T.D IMP/AS

Attorney Docket No.: CPTD-00440US

PATENT

Express Mail Label Number:

EL514032130US

Date of Deposit:

30 April 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.

Date: 30 April 2002

By:

Vladimir Skliba

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jack R. KELLY, et al.

Serial No.: 10/007,326

Examiner: Not yet assigned

Confirmation No.: 2028

Art Unit: 2874

Filed: December 5, 2001

For: APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES

## Box Missing Parts

Commissioner for Patents  
Washington, D.C. 20231

## RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application under 37 C.F.R. § 1.53(b) mailed on March 18, 2002, enclosed are:

- Copy of the Notice to File Missing Parts of Application;
- Executed Declaration;
- Power to Prosecute;
- Assertion of Entitlement to Small Entity Status;
- 13 Sheets of Formal Drawings, containing Figures 1 to 11;
- IDS Disclosure Statement Transmittal and IDS Disclosure Statement Under C.F.R. §1.97(b); and
- Other: Return postcard

and the payment of the following fee(s):

Filing fee of \$514.00  
 Surcharge fee for Late Filing of Declaration of \$65.00  
 Other fees:

Total Fee due: **\$579.00**.

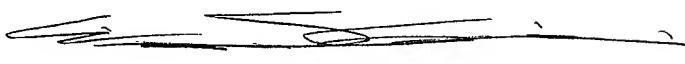
Check in the amount of \$579.00 for the total fee is attached.  
 Please charge \$\_\_ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: April 30, 2002

By:

Respectfully submitted,  
**COOLEY GODWARD LLP**

  
\_\_\_\_\_  
William S. Galliani  
Reg. No. 33,885

Cooley Godward LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663  
WSG:dm